REMARKS

In the Office Action dated January 20, 2004, claims 1-26, in the above-identified U.S. patent application were rejected. Reconsideration of the rejections is respectfully requested in view of the above amendments and the following remarks. Claims 1-44 have been canceled and new claims 45-89 have been added to the application.

Figures 1a and 1b were objected to. New copies of these figures are attached. The new figures are the same as the originally filed figures but have been lightened to reduce the background.

Claims 1-26 were rejected under 35 USC §112, second paragraph as indefinite. Claims 1-26 have been canceled and new claims added to the application which clarify most of the language which was found indefinite. However, applicants point out that the language "amplification products" is generally known in the art to mean nucleic acids which are produced as a result of an amplification reaction such as PCR. Thus, applicants contend that this term is not indefinite. Claim 21 was rejected due to the term "nucleic acid". The office action contends that this term means a single nucleic acid as compared to a nucleic acid strand. Attached to this response is a reference, Ullmann's Encyclopedia of Industrial Chemistry, which indicates that nucleic acids are long unbranched chains of sugar and phosphate. Applicants contend that the term "nucleic acid" is often used in the art to indicate a strand of nucleic acids not a single purine or pyrimidine. However, in order to clarify this, the new claims use the language "nucleic acid strand". Regarding the rejection of the language "in

the presence of a salt and polyethylene glycol", applicants point out that such language is commonly used in the art to mean that the salt and polyethylene glycol are in the solution at the time that binding to the solid phase occurs. In other words, they could be added to the nucleic acid solution or to a solution on the solid phase, and they could be added to the solid phase before the nucleic acids or after. When and how the salt and polyethylene glycol are added is not critical as long as they are present during the binding of the nucleic acids to the solid phase. The claims have been amended to indicate that the salt and polyethylene glycol are present in the solution during the binding of the nucleic acids to the solid phase. In view of the new claims and the above discussion, applicants request that these rejections be withdrawn.

Claims 1, 2, 4-13, 15-19, 21, 22, 25 and 26 were rejected under 35 USC §102(b) as anticipated by Hawkins. The present invention is a method for binding nucleic acids to a solid phase having both hydrophobic and hydrophilic groups on its surface. This method enables reversible and sequence unspecific binding of nucleic acids to the solid phase. Binding of the nucleic acids takes place via the hydrophobic groups. Hawkins indicates that the polynucleotides bind to his surface via functional groups (carboxyl or thiol groups) which are hydrophilic groups. The hydrophilic regions on the surface of the solid phase according to the present invention serve to avoid agglomeration of the solid phase and the solid phase particles, respectively, in aqueous solutions. Tests with solid phase particles which had hydroxyl groups as a coating on their surface but no hydrophobic groups, showed no binding of nucleic acids.

Applicants point out example 3 on page 17 of the present application which compares purification using the presently claimed method, with COOH-coated particles according to Hawkins. The yield is considerably higher when using the presently claimed method.

Hawkins discloses a method of binding DNA to magnetic microparticles, the surface of which is coated with carboxyl groups (claim 1). Hawkins produces his particles by first coating a magnetic metal oxide core with a silane coat. Then another functional group (preferably a carboxylic acid group) is covalently bound to all of the silane groups, leading to microparticles which have their entire surface coated with the functional groups (col 3, lines 28-31). Hawkins silane coat does not act as a hydrophobic group and does not produce the same results as the present invention as shown in example 3 of the present application. Consequently, the particles disclosed by Hawkins do **not** have hydrophobic and hydrophilic groups on their surface but only one kind of functional group, preferably carboxylic acid groups (col. 3, lines 35-39) to which the DNA is bound. In view of the fact that Hawkins does not suggest or disclose a solid phase which contains both hydrophobic and hydrophilic groups on its surface, applicants contend that Hawkins does not anticipate the presently claimed method and request that this rejection be withdrawn.

Claims 1-24 were rejected under 35 USC §103(a) as unpatentable over Hawkins in view of Tang. As discussed above, Hawkins does not suggest or disclose a solid phase which contains both hydrophobic and hydrophilic groups on its surface. Tang does not cure this deficiency as Tang was cited for the

disclosure of a method for synthesizing and purifying oligonucleotides using microparticles which have hydroxyl or amino groups. Tang is not directed to methods for binding nucleic acids to a solid phase, only to methods for synthesizing oligonucleotides. In view of the fact that neither Hawkins or Tang suggests or discloses a method for binding nucleic acids to a solid phase which contains both hydrophobic and hydrophilic groups on its surface, applicants request that this rejection be withdrawn.

Applicants respectfully submit that all of claims 45-89 are now in condition for allowance. If it is believed that the application is not in condition for allowance, it is respectfully requested that the undersigned attorney be contacted at the telephone number below.

In the event this paper is not considered to be timely filed, Applicants respectfully petition for an appropriate extension of time. Any fee for such an extension together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account No. 02-2135

Please charge any fee deficiency or credit any overpayment to Deposit Account No. 02-2135.

Respectfully submitted,

Bv

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Volume 40: Index Volumes 1 - 39: Alphabetically Arranged Articles

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Paints and Coatings **Nucleic Acids**

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Vol. 24

Contents

Contents

Ä

cleic Acids	1 Optical Materials
cupational Health and Safety	39 Oral Hypiene Products
tane Enhancers	
and Gas	(
Refining	
Nonthing	205 Oxalic Acid
	257 Oxidation
-Line Monitoring	
	Oxocatooxylic Acids
of Chemical Reactions	285 Oxo Synthesis
hthalmological Preparations	
tical Brighteners	
	387 Paints and Coatings

Cross References

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Oral Antidiabetics \rightarrow Antidiabetic Drugs 3 Oleic Acid → Fatty Acids 13 Olefins \rightarrow Butadiene 5; \rightarrow Butenes 6; \rightarrow Olefin Polymers → Polyolefins 28 Odorants → Flavors and Fragrances 14 Octanol → Alcohols, Aliphatic 2; → Nylon \rightarrow Fibers, 4. Synthetic Organic 13, \rightarrow Orthoformates → Esters, Organic 12 Oleoresins → Resins, Natural 31 Oils, Mineral → Natural Gas 22; → Oil Olivine → Silicates 32 Oils, Essential → Flavors and Fragrances 14 Oil Sand → Tar Sands 35 Ethylene 12; → Hydrocarbons 17; → → Terpenes 35 Isoprene 18; → Propene 30; → Styrene 34; Refining 24 2-Ethylhexanol 12 Polyamides 28

Pantothenic Acid → Vitamins 38 Palladium → Platinum Group Metals and Paint and Varnish Removers → Paints and Packaging Materials → Films 13; → Foods, 4. Orthophosphoric Acid -> Phosphoric Acid and Palmitic Acid → Fatty Acids 13 Palm Oil ightarrow Fats and Fatty Oils 13 Oxide Ceramics -> Ceramics, Advanced Oxazine → Azine Dyes 4 Osmium → Platinum Group Metals and Oxirane → Ethylene Oxide 12 Osmosis → Membranes and Membrane Food Packaging 14, → Paper and Pulp 25 Superconductors 35 Compounds 27 Coatings 24 Structural Products 7; \rightarrow Separation Processes 21 Compounds 27 Phosphates 26

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Nucleic Acids

Genetic Engineering is a separate keyword

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	11. 12. 21. 22. 3.	
Recombination 11 DNA Repair 11 Nucleic Acids as Enzymes 11 Isolation, Purification, and Transfer 12 Analysis of Nucleic Acids 12 Chemical Synthesis 14	tion 7 DNA Replication 7 Gene Expression 8 Transcription 9 Translation 10 Modification and Degradation 10	Introduction 1 Structure 2 Structure of DNA 2 Structure of RNA 5 Properties 6 Physical and Chemical Properties 6 Interaction with Proteins 7 Biosynthesis and Biological Func.
9. 9.1. 9.2. 9.3.	8.2 8.3 8.4	7.1. 7.2. 7.3. 7.4. 7.5.
Nucleosides and Nucleotides Nucleosides Nucleotides Nucleotides Therapeutically Important Nucleoside and Nucleotide Derivatives References	Uses Hybridization Techniques for Nucleic Acid Detection Labeling and Detection Systems Amplification Systems Amplications of Probe Technology	Synthesis Strategy Protecting Groups Functionalization of the Support Methods of Synthesis Cleavage of Protecting Groups and Purification of Oligonucleotides Synthesis of Modified Oligonucleo- tides

21

22 24 25 26 26 26

19

10.			
	74	Chemical Synthesis	
	12	Analysis of Nucleic Acids	1 <u>.</u>
9.3.	12	Isolation, Purification, and Transfer	ν'n
9.2.	=	Nucleic Acids as Enzymes	4.0.
9.1.	Ξ	DNA Repair	4.5
9.	=	Recombination	4.4.
8.4	10	Modification and Degradation	4
8.3	10	Translation	4.2.2.
8.2	9	Transcription	4.2.1.
	∞	Gene Expression	4.2.
8.1	7	DNA Replication	4.1.
∞	7	tion	
		Biosynthesis and Biological Func-	4.
7.6	7	Interaction with Proteins	3.2.
	6	Physical and Chemical Properties	3.1.
7.5	6	Properties	Ļ
7.4	S	Structure of RNA	2.2.
7.3	2	Structure of DNA	2.1.
7.2	2	Structure	.2
7.1	_	Introduction	٠.

1. Introduction

D-ribose and ribonucleic acids (RNA) contain oxyribonucleic acids (DNA) contain 2-deoxyclasses depending on the sugar they contain: de-Nucleic acids can be divided into two main and nitrogen-containing heterocycles (bases) degraded to yield phosphoric acid, pentoses clei of eucaryotic cells. They can be chemically name originates from their discovery in the nupounds found in all living cells and viruses. Their Nucleic acids are high molecular mass com-

or a pyrimidine (cytosine and thymine in DNA; C-3' atom of each sugar is linked by a phossugar and phosphate (Fig. 1, see next page): the boring sugar. Either a purine (adenine, guanine) phodiester bond to the C-5' atom of the neigh-Nucleic acids are long, unbranched chains of

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a detailed description of purines and pyrimicytosine and uracil in RNA) is attached to Cof the sugar by a β -glycosidic bond.

mation. It is widely assumed that in the course their ability to store and transfer genetic inforand gene organization, expression, regulation, structure of DNA, DNA-protein interactions, that they can have other functions in addition to and transfer. The importance of nucleic acids enormous progress in the understanding of the biochemical methods of analysis have led to Genetic engineering and improved physical and the carrier of genetic information became clear. it was only in the 1940s that their importance as since the second half of the nineteenth century became even more obvious after the discovery

group designation to 1986 IUPAC proposal

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element symbol, atomic number, and relative atomic mass (atomic weight)

"European" group designation and old IUPAC recommenda

merican" group designation, also used by the Ch

Periodic Table of Elements

ictive element; mass of most important isotope given

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and Pyrimidine Derivatives. dines, see → Purine Derivatives, → Pyrimidine Although nucleic acids have been known

Vol. 24

being [36,37]. of evolution first RNA and then DNA came into

Figure 1. Structure of DNA (R = H) and RNA (R = OH) B = base (adenine, guanine, thymine or uracil, cytosine)

2. Structure

2.1. Structure of DNA

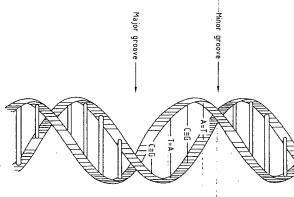
nucleic acids and proteins. are of utmost importance for the storage of gestructures according to precisely defined rules of DNA and its ability to form double-stranded $5' \rightarrow 3'$ direction. The specific base sequence and 3'-phosphodiester bonds gives the molecule netic information and for interactions with other ten starting with the 5'-terminus, i.e., in the polarity (Hig. 1); base sequences are always writ The joining of the DNA building blocks by 5'

B

cated inside the helix and the sugar-phosphate a right-handed helix (i.e., looking along the axis $5' \rightarrow 3'$ and $3' \rightarrow 5'$) polynucleotide chains form groove (Fig. 2). The hydrophobic bases are loof the helix, the strands are coiled clockwise) Watson proposed a double-stranded structure tary bases can be bound by the more comuracıl and guanine with cytosine. Complemen-"backbone" on the outside [38]. Bases that are right-handed helices with a major and a minor Naturally occurring DNA usually consists of for DNA in 1953 in which two antiparallel (i.e. mation: adenine always pairs with thymine or fined rules as a result of hydrogen bond for opposite each other are paired according to de-From X-ray analysis data, Crick and

0

mon Watson-Crick pairing (Fig. 3 A) or by interactions between the aromatic ring systems tion of the phosphate groups and hydrophobic Hoogsteen base pairing (Fig. 3 B). The doublethat result inistacking of the bases. stranded structure is further stabilized by hydra-



A = adenine, C = cytosine, G = guanine, T = thymineFigure 2. Right-handed double-helix of DNA

unpaired; double-stranded regions open and densely stacked and there is a cooperative ef actions with proteins. DNA helices can exist in in A-T pairs and could be important for interform single-stranded "bubbles" ("breathing" of always exhibit a degree of microheterogeneity centration and type of salts present. The helices which are interconvertible depending on the convarious forms (A, B, C, D, and Z) [39] some of Internal bases can be continuously paired and fect between hydrogen bonding and stacking that plays an important part in genetic regula DNA). Breathing is more frequent in regions rich In double-stranded DNA, the bases are

ca. 2.3 nm.

(e.g., in the chromosomes of higher organisms) The DNA helices can exist in linear form

Figure 3. Watson-Crick base-pairs (A), and Hoogsteen base-pairs (B)

Cytosine

of the DNA helix are large enough to allow prowith the help of the methylation pattern of the specific binding sites on the DNA. The grooves of proteins and RNA. Proteins can recognize molecules can also be twisted (superhelicity or bases (see Section 4.3). Defined regions in DNA can also be recognized terns to come into contact with the bases [40] amount of DNA present in living cells, it must be supercoiling). In order to accommodate the large or as closed rings (e.g., in Escherichia coli); the packaged as compactly as possible with the help

Forms of DNA.

turn of the helix, the planes of the base pairs are 66% relative humidity. It has 11 base pairs per the helix is right-handed and has a diameter of tilted away from the vertical helical axis (19°) A-DNA can be observed in X-ray analyses at

[41,42]. Protein-DNA interactions usually re-Single unpaired bases can be "looped out" of the that found under physiological conditions. The humidity of > 92 % and largely corresponds to It represents the structure of DNA at a relative helix and barely disturb the rest of the structure base pairs per turn and a diameter of ca. 2 nm helix is also right-handed with about 10.2–10.4 B-DNA is the classical Watson - Crick form

> major groove of the B-DNA double helix. quire recognition of nucleotide sequences in the

salts. The helix is also right-handed and similar to the B form, but with 9.3 base pairs per turn. humidity of 44 – 66 % in the presence of lithium C-DNA helices can be observed at a relative

base pairs per turn. DNA). The helix is also right-handed and has 8 and in the DNA of the bacteriophage T2 (Twith alternating adenine and thymine residues D-DNA occurs in nature only in sequences

and B-DNA are interconvertible; part of a DNA stable than B-DNA, but are stabilized by sugrooves), this structure forms a single, very deep molecule may exist in the B form and another percoiling, proteins, special ions, and methyla turn of the helix. Z-helices can form in vivo at phosphate backbone assumes a zig-zag arrange-ment (therefore Z-DNA) with 12 base pairs per groove that penetrates the helix axis. The sugarence of divalent cations ($Mg^{2+} > 0.7 \text{ mol/L}$) centrations (>2 mol/L NaCl) or in the prespart in the Z form. favor the formation of Z-DNA [44]. Z-DNA tion [43]. Torsional stress of DNA in vivo car physiological salt concentrations. They are less Unlike the right-handed helices (which have two purines and is formed in vitro at high salt conan alternating sequence of pyrimidines and The left-handed conformation of Z-DNA has

opposite direction is called negative supercoil is called positive supercoiling and rotation in the virus [45]. Rotation in the direction of winding DNA was discovered in the 1960s in polyoma The term supercoiling refers to the curvature of ween fixed sites can be twisted to supercoils the double helix axis. Supercoiled (superhelical) Supercoiling. Circular DNA and DNA bet-

plays an important part here too. A sequence of the DNA (see third paragraph in Section 2.1) by enzymes [47] coils behind it; these supercoils are controlled versa. Positive supercoils are formed in front of influences transcription (see Section) and vice tant for many reactions of DNA. Supercoiling paired in a superhelical molecule. This is imporwith > 90 % A-T can exist permanently uncrease with increasing temperature. "Breathing" the transcription apparatus and negative superaging. Almost all naturally occurring superhetion of Z-DNA. Supercoiling makes DNA more local single-stranded regions which tends to ining can be accommodated by the formation of [46]. The strain produced by over- or underwindsuperhelices) but overwound DNAs also exist lical DNAs are underwound (i.e., have negative compact, which is very important in DNA pack ing is a strong driving force for the stabilizatures other than the B form. Negative supercoilcan be overcome by the formation of DNA struc-Torsional stress due to negative supercoiling

and for many of its biological reactions [48, 49] a right-handed helix, the twist angle between two ing is of significance for the packaging of DNA may result in the bending of a linear double helix tremendous importance for its structure [44]. In Bending can also be caused by proteins. Bend. bases changes depending on the sequence. This Bending. The base sequence of DNA is of

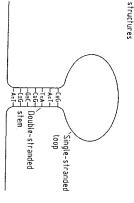
cial base sequences or structural motives are relatory protein binding sites can be replaced by transcription, and replication [52, 53]. Bends are an intrinsic bend [49,54] also important structural features; indeed, reguimportant role in recombination, initiation of peated in phase with the DNA helical repeat; [50,51]. Protein-induced DNA bending plays an homopolymeric A tracts being the best example Intrinsically bent DNA is formed when spe-

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it [55]. Hairpins can play a part in replication, transcription, and RNA processing [56]. ciform structures, whereas transcription inhibits Supercorling can promote the formation of crufrequently in single-stranded DNA and RNA ear double strands. However, it is encountered loops are energetically less favorable than linpeats within a single strand (Fig. 4). This rarely happens in double-stranded DNA because stem and cruciform structures) can be formed at redouble-stranded regions (hairpins or stem-loops binding proteins. Owing to DNA breathing regions. Repeats can be recognized by DNA. quences are frequently repeated in regulatory Special Structural Elements, Short se-

Stem-loop (hairpin)



Cruciform structure

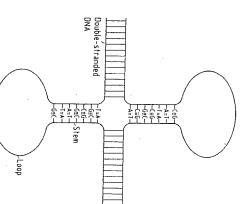


Figure 4. Special structural elements in nucleic acids

gions [58] otic genes and are especially sensitive to nuclequently found in regulatory regions of eucaryhanded structures other than B-DNA in such reases [57]. There is a high tendency to form right Homopyrinidine-homopurine runs are fre-

oligomers. less temperature-stable than the corresponding even recognized by several enzymes. They are stranded oligomers have also been found in vitro DNA are normally antiparallel, parallel double [59]. They form a right-handed helix and are

of the DNA, a homopyrimidine oligonucleotide specific strand cleavage with the help of coupled ellipticine derivatives or metal chelates [60,61] lix [58]. Structures of this type can be used for strand in the major groove and form a triple hecan attach itself parallel to the homopurine At homopurine -- homopyrimidine sections

ture is not known but they are important for the structures of the eucaryotic chromosome that are attachment of the spindle fibers during mitosis rich in adenine and thymine. Their exact struc-Centromeres are important compact DNA

in the $5' \rightarrow 3'$ direction towards the end of the tandemly repeated sequences with clusters of G are species specific. They consist of simple, eres are highly conserved in all eucaryotes and residues [65,66]. The G-rich strand is aligned DNA ends and to degradation by nucleases [64] eres are very susceptible to fusion with other somes that are no longer protected by telomalso being discussed. Broken ends of chromonomena [62,63] and a role in carcinogenesis is Section 4.1). Special enzymes (telomerases) are by the polymerase. Under normal replication sults in a small 5'-gap which cannot be closed start replication. Cleavage of this primer then re-The antiparallel structure and function of telom-Disturbances in telomeres can lead to aging pheing the last segment of a linear DNA molecule OH group which serves as a primer for copy-(Fig. 5): repeats can fold back and provide a 3'. responsible for adding telomere repeats to the shorter with every cycle of DNA replication (see conditions, the ends should therefore beccme chromosome ends to maintain constant length template and always require an RNA primer to DNA polymerases synthesize DNA from a DNA (as in eucaryotic DNA) pose a special problem. The ends (telomeres) of linear chromosomes

associate to form stable, parallel, four-stranded containing 12-16 nucleotides. Telomeres can chromosome and has a single-stranded 3'-end structures (G4-DNA) [67]. RNA

Although the chains of double-stranded

3'-End

Old strand

5'-End

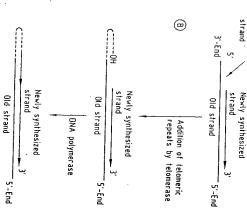
Degradation of RNA primer

5, primer

strand

Newly synthesized

5'-Gap on new



strands become shorter; with telomere addition by telomerase (B) constant length can be maintained. Without telomere addition (A) newly synthesized DNA Figure 5. The importance of telomeres

2.2. Structure of RNA

stranded RNA cannot form a B-helix because of ribose; helices of the A type are, however, possteric hindrance caused by the 2'-OH groups of oxyribose) and uracil replaces thymine. Double-(Fig. 1); however the sugar is ribose (and not desections that may account for 50-67% of mer with many intramolecular double-stranded RNA is an unbranched single-stranded poly-RNA consists of 3',5'-phosphodiester bonds the molecule. As in DNA, the backbone of

the major groove of the A type of double he-The functional groups of the nucleotides in

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occurs via interaction with single-stranded reproteins [68]. Protein binding to RNA probably lix found in RNA are not easily accessible to

structure with a stem and three loops similar to molecule are paired, resulting in a secondary of the ca. 75-90 nucleotides within the tRNA that of a cloverleaf [69]. (only in eucaryotes). The structure of tRNAs ger RNA (mRNA), ribosomal RNA (rRNA) has been studied most extensively; about half transfer RNA (tRNA), and small nuclear RNA Four functional RNA families exist: messen-

mation of a second stem – loop structure [72] produced by folding back in a hairpin and fortiary structure motives are pseudo knots [71]; tion to the secondary structure. Examples of ternounced tertiary structures are formed in addibulged bases. With unpaired nucleotides prostranded sections, hairpins, internal loops, and that more closely resemble those of proteins and exhibits a spectrum of flexible structures [70]. RNAs have secondary structures-doublerather than those of the chemically related DNA RNA has many different biological functions

phous than DNA alone [73]. tures but they are considerably more polymor-RNA. Such hybrids can form secondary struc-DNA and in the reverse transcription of viral portance in the replication and transcription of Formation of DNA-RNA hybrids is of im-

(CO)

3. Properties

3.1. Physical and Chemical Properties

a few thousand to 109 base pairs. The length croscope. can easily be measured under the electron miof such molecules (micro- to centimeter range) The size of naturally occurring DNA varies from

crease in viscosity because the hydrogen bonds critical temperature is accompanied by a decous; viscosity depends on DNA length, DNA temperature at which one-half of the base pairs is responsible for base pairing are disrupted and the helix structure collapses. This process is called concentration, and temperature. Heating to a its bases. Aqueous DNA solutions are very visthermal denaturation or melting of DNA. The DNA absorbs UV light at 260 – 280 nm due to

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B

from participating in hydrogen bonding. of the bases are shifted preventing these groups an alkaline pH because the keto - enol equilibria or extreme pH values. DNA can be denatured at amide, dimethyl sulfoxide; low ionic strength; solvents such as ethylene glycol, dimethylformof double-stranded DNA is also facilitated by creases the interaction with water. The "melting" it increases the solubility of the bases and in as urea or formamide, lower the melting temcompete with hydrogen bond formation, such bic interactions are increased. Chemicals that solubility of the bases decreases and hydrophowith increasing salt concentrations because the is observed. The melting temperature increases perature of DNA: Methanol has a similar effect; pairs melts at ca. 90 °C. In shorter double strands more stable than A-T pairs). Double-stranded disrupted is denoted the melling temperature. I DNA ranging in size from 100 to > 1000000 base depends on the base composition (G - C pairs are gradual decrease in the melting temperature

of double-stranded DNA, 50 µg/mL of singleabsorptions of ca. 1.00, 1.37, and 1.60, respecstranded DNA, and 50 µg/mL of free bases have tion. At 260 nm solutions containing 50 µg/mL can thus be used to measure DNA denaturafor single strands. Increase in UV absorption 260 nm is lower for double-stranded DNA than UV light as in single strands, absorption at stranded helix are not as easily excited by Since the stacked bases in the double-

action between single strands during genetic reteins). Such proteins are required to unwind the proteins that destabilize the helix (melting prohelix during replication and to facilitate inter-Denaturation can also occur in the presence of

bonded or stacked. At salt concentrations below about two-thirds of the bases are hydrogen a cooperative process. Rapid cooling of denaproduces a very compact molecule in which tured DNA at salt concentrations > 50 mmol/L dom base pairing (hybridization); it is, however the molecule, because it initially relies on rantake several hours, depending on the size of low the melting temperature. Renaturation can only occurs if the solution is cooled slowly bedenatured DNA is a spontaneous process but The reassociation (renaturation) of thermally

> ter cooling. 10 mmol/L the DNA remains denatured even af

a length of 75-90 nucleotides and mRNA car is most likely to be observed in tRNA. RNA has few truely double-stranded regions; it be up to several thousand nucleotides long. Denaturation effects are rarely observed because

salts that can be precipitated with ethanol. and form water-soluble alkali and ammonium atively charged and acidic at physiological pH pending on the molecular mass). They are neg-Nucleic acids are sparingly soluble in water (destirring) and easily break into small fragments breaks in the sugar - phosphate backbone [74] gen bonds and single-strand and double-strand 500 base pairs owing to disruption of hydro-DNA in solution produces fragments of ca. 100 -(ca. 1000 base pairs). Ultrasonic treatment of ical influences (shearing forces, e.g., vigorous molecules are extremely sensitive to mechan-Because they are extremely long, DNA

sites. Anhydrous hydrazine cleaves the pyrimiacids (e.g., total hydrolysis can be achieved by lectively cleaved at ca. pH 4, resulting in apurinic N-9 of purines and the C-1 of deoxyribose is se- $30 \,\mathrm{min}$). The β -glycosidic linkage between the heating DNA in 90 % formic acid at 180 °C for to determine the base composition of nucleic and (deoxy)ribose. Acid hydrolysis can be used break down into the free bases, phosphoric acid, RNA. At pH < 1, however, both DNA and RNA DNA is more sensitive to acid hydrolysis than RNA and DNA are insoluble in cold acid

In contrast, RNA is rapidly hydrolyzed at alkaphodiester bonds are broken per minute at 37 °C DNA is stable at pH 13, only 0.2 of 106 phos-

Chap. 6.4. → Enzymes, Chap. 6.5. quencing RNA [75,76]. See also → Enzymes these cleavage reactions are exploited for secleaved by ribonucleases (RNases). Some of zymes [deoxyribonucleases (DNases)]. RNA is specifically cleaved by a variety of en-DNA can be both specifically and non-

3.2. Interaction with Proteins

In bacteria, DNA occurs as a complex with RNA and proteins that is bound to but not surrounded

rophosphate by a pyrophosphatase provides the release of pyrophosphate; the cleavage of pyon the single-stranded DNA template with the cleotide triphosphates which are polymerized circular form and is organized in a series of suby a membrane. The DNA often has a closed

Nucleic Acids

The length of RNA varies greatly: tRNA has

Function 4. Biosynthesis and Biological

chondria, chloroplasts) possess closed circular

Eucaryotic cellular organelles (e.g., mito-

DNA that is not associated with histones.

or 30 nm (super superhelices, solenoids).

at intervals of about ten base pairs [53]. Nucletrinucleotides on the outside of the nucleosome of A-T trinucleotides on the inside and G-C grooves varies due to the periodic arrangement

osomes can become condensed into fibers of 10

8.6 nm) to form a nucleosome. The width of the wound around a histone octamer (diameter ca. associated with basic proteins called histones.

tinct units of varying size (chromosomes); it is the nuclear membrane as morphologically dis-

The DNA of higher cells is enclosed within

species specific (karyotype). Two full turns of

the DNA double helix (146 base pairs) are The number and size of the chromosomes are

4.1. DNA Replication

stranded piece of nucleic acid (formed with the help of a primer) for initiation (Fig. 6; see also strand of DNA as a template and a short doubleby DNA polymerases which require a single thesized DNA only one is incorrectly incorpocation has an error level of $10^{-8} - 10^{-11}$ [77], curacy. Because of perfected proofreading and quence) occurs with a very high degree of acological information in DNA (i.e., its base se-→ Enzymes, Chap. 6.2.). rated. The replication of DNA is carried out i.e., for every $10^8 - 10^{11}$ bases in newly synrepair mechanisms (see Section 4.5) DNA repliis extremely important that the transfer of bior RNA, as well as double-stranded RNA). It may, however, also have single-stranded DNA The genetic information of all cellular organisms is stored in double-stranded DNA (viruses The DNA is synthesized from deoxyribonu-